

### REMARKS

The subject application is a division of prior application serial no. 10/214,386. In the prior application, the Examiner identified five invention groups:

Group I, drawn to crude lercanidipine hydrochloride solid form (A) and methods, classified in class 546 and subclass 321.

Group II, drawn to crude lercanidipine hydrochloride solid form (B) and methods, classified in class 546, subclass 321.

Group III, drawn to lercanidipine hydrochloride crystalline form (I) and methods, classified in class 514, subclass 321.

Group IV, drawn to lercanidipine hydrochloride crystalline form (II), classified in class 546, subclass 321.

Group V, drawn to a composition containing lercanidipine hydrochloride crystalline forms (I) and (II), classified in class 546, subclass 321.

The present Preliminary Amendment restricts the claims to the subject matter of invention Groups IV and V. Accordingly, claims 1-26, 29-36, and 43-50 have been cancelled without prejudice or disclaimer to remove claims that were not directed to lercanidipine hydrochloride crystalline form (II) or the combination of lercanidipine hydrochloride crystalline forms (I) and (II). Similarly, claims 65, 73-75, and 82 have been amended to be restricted to lercanidipine hydrochloride crystalline form (II) and compositions containing lercanidipine hydrochloride crystalline forms (I) and (II), by deleting subject matter directed only to lercanidipine hydrochloride crystalline form (I). No new matter is introduced into the application by this process.

New claims 85-92 have been added. Support for the new claims is found in the application as filed, as follows.

New claim 85 finds support at p. 6, l. 16-25.

New claim 86 finds support at p. 6, l. 27-28.

New claim 87 finds support at p. 46 at Table 7.

New claim 88 finds support at p. 45 at Table 5.

New claims 89 and 90 find support at p. 7, l. 4-16 and at p. 54 at Table 14.

New claim 91 finds support at p. 32, l. 8-9.

New claim 92 finds support at p. 52, table appearing after line 5.

### CONCLUSION

Each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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